

HMK/jb GA7923

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LOUIS DREYFUS CORPORATION

Plaintiff,

07 CIV 6622(WHP)

-against-

**NOTICE TO  
ADMIT**

M/V CMA CGM CORTES, her engines,  
boilers, tackle, etc., ALPHA SHIPMANAGEMENT  
GMBH & CO., KG, ALPHA SHIP GMBH & CO  
KG MS 'NEPTUN', COMPANIA SUD AMERICANA  
DE VAPORES S.A. (C.S.A.V.)

Defendants.  
-----X

PLEASE TAKE NOTICE that under Rule FRCP 36 you are required to admit or deny the following facts and documents attached within thirty (30) days hereof, failing which the facts alleged and documents attached will be deemed admitted.

1. Defendant COMPANIA SUD AMERICANA DE VAPORES SA (hereinafter CSAV) is a common carrier by land and by sea in the international carriage of goods.

2. Plaintiff LOUIS DREYFUS CORPORATION is an international trader of commodities.

3. In April of 2007 plaintiff LOUIS DREYFUS CORPORATION purchased a quantity of 2,200 bags of coffee from Cooperative Cuzachapa in El Salvador for shipment to Antwerp, Belgium per invoice attached hereto as Exhibit "A".

4. On or about April 5, 2007, the cargo of 2,200 bags packed in eight (8) containers, with 275 bags in each container, was delivered to defendant CSAV in Santa Ana, El Salvador for carriage to Antwerp, as described in B/L 6HA001847, Exhibit "B" hereto.

5. During transportation one container FSCU3411832 disappeared while in the custody and control of defendant CSAV and was never delivered at Antwerp by defendant CSAV, and the cargo of 275 bags of coffee was never located by CSAV.

6. The 275 missing bags of coffee had a cost of \$44,653.13.

Dated: August 23, 2007

Yours, etc.,

KINGSLEY, KINGSLEY & CALKINS

Attorneys for Plaintiff

BY: 

HAROLD M. KINGSLEY  
91 West Cherry Street  
Hicksville, New York 11801  
(516) 931-0064  
[hmk@kingsleyandkingsley.com](mailto:hmk@kingsleyandkingsley.com)

TO: MAHONEY & KEANE, ESQS.  
Attorneys for Defendant  
COMPANIA SUD AMERICANA  
DE VAPORES S.A. (C.S.A.V.)  
111 Broadway  
New York, New York 10006



# COOPERATIVA CUZCACHAPA DE R. L.

CARRETERA AL COCO, COLONIA CUZCACHAPA, CANTON GALEANO  
CHALCHUAPA, DEPARTAMENTO DE SANTA ANA, EL SALVADOR.

Teléfonos: (503) 2444-0206, 2444-0042,  
2444-0052 FAX (503) 2444-0571

Chalchuapa, 22 de Mayo del 2007

FACTURA DE EXPORTACIÓN

068A000X

Nº 000076

NIT. 0203-311088-001-9  
N.R.C. 48744

CONTRATO No. 210/ P-15755

FACTURA No.

Sr. LOUIS DREYFUS CORPORATION

20 WESTPORT ROAD

WILTON, CONNECTICUT, 06897-0810

Café de El Salvador

Téndo... y sonrisa

A COOPERATIVA CUZCACHAPA DE R.L. DEBEN:

FACTURA de DOS MIL DOSCIENTOS

Sacos de Café en

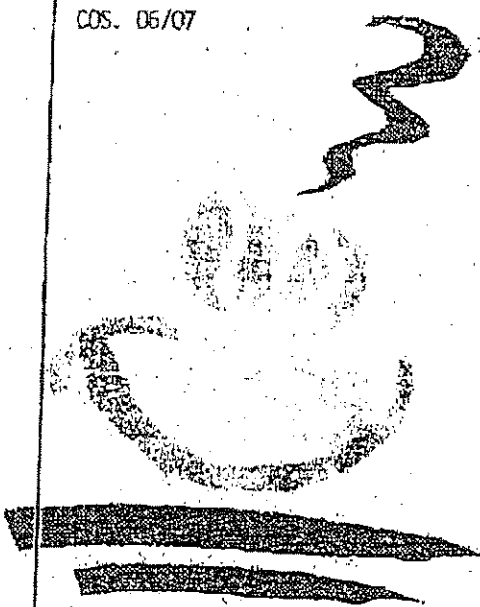

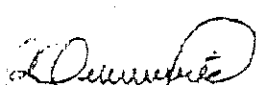
ORO LAVADO embarcados en el Puerto de SANTO TOMAS DE CASTILLA

por Vapor

con fecha

y con destino a ANTWERP

según conocimiento No.

| MARCAS                         | SACOS | Quintales<br>Españoles | CALIDAD  | Precio por<br>QQ. FOB | TOTAL         |
|--------------------------------|-------|------------------------|--|-----------------------|---------------|
| DOS PINOS<br>H.G.<br>09-030-36 | 2,200 | 3,300                  | CAFE ORO LAVADO<br>COS. 06/07<br>   | \$ 110.15             | \$ 363,495.00 |
|                                |       |                        | <br><br>Por Cooperativa Cuzcachapa de R.L.<br>(Firma y Sello) |                       |               |

MICROS ALICIES AREVALO MENDOZA IMPRENTA "EL ARCA" NIT: 0206-100864-0024, NRC: 61372-0  
CA. AR. 500 L-1-E. Cuscatlan - Autorización Imprenta No. 002 - Fecha de Autorización Imprenta: 04/08/02  
Fecha de impresión: 10/08/06 - Tipo de contrato: 000138 - Fecha de Recepción: 08/08/06  
Resolución No. 20768-RES-07-04886-1006 - Fecha Autorización de RESOLUCIÓN al: 08/08/06

ORIGINAL: BLANCO / DUPLICADO: CELESTE / TRIPULADO: VERDE / CUADRUPLICADO: ROSADO / QUINTUPLICADO: AMARILLO

A

|  |  |   |                          |                        |
|--|--|---|--------------------------|------------------------|
| SHIPPER (NAME AND FULL ADDRESS)<br>COOPERATIVA CUZCACHAPA DE R.L.<br>CARRETERA AL COCO, CANTON GALEANO,<br>CHALCHUAPA, SANTA ANA |  | BOOKING NBR<br>6HA0001725   | SERVICE<br>LEU3          | BL NUMBER<br>6HA001847 |
| CONSIGNEE (NAME AND FULL ADDRESS)<br>TO THE ORDER OF<br>LOUIS DREYFUS COFFEE   |  | EXPORT REFERENCES   |                          |                        |
| NOTIFY (NAME AND FULL ADDRESS)<br>LOUIS DREYFUS COFFEE<br>20 WESTPORT ROAD WILTON<br>CT 06897-0810                               |  | FORWARDING AGENT - REFERENCES (NAME AND FULL ADDRESS / F.M.C.)  |                          |                        |
| PRECARRIAGE BY (Mode) (*)  |  | POINT AND COUNTRY OF ORIGIN OF GOODS  |                          |                        |
| PLACE OF RECEIPT BY PRECARRIER (*)<br>SANTA ANA, EL SALVADOR   |  | DOMESTIC ROUTING / EXPORT INSTRUCTIONS / ONWARD (INLAND ROUTING)<br>SVSTA-GTSTC Truck<br>GTSTC-BEAMR EPW-CMA CGM CORTES/07310/N |                          |                        |
| PORT OF LOADING<br>Santo Tomas de Castilla, Guate  | OCEAN VESSEL (Vessel/Voyage/Reg)<br>CMA CGM CORTES/07310/N |   |                          |                        |
| PORT OF DISCHARGE<br>Antwerp (Amberes), Belgium  | PLACE OF FINAL DELIVERY BY ONCARRIER (*)<br>ANTWERP        |   |                          |                        |
| <b>PARTICULARS FURNISHED BY SHIPPER - CARRIER NOT RESPONSIBLE</b>  |  |   |                          |                        |
| MARKS AND NUMBERS  | N° OF PKGS./CNTRS.   | DESCRIPTION OF PACKAGES AND GOODS   | GROSS WEIGHT MEASUREMENT |                        |

DOS PINOS M.G. 8 STANDARD 20' CONTAINER 153,384.000KGS  
 09-030-36 SAID TO CONTAIN  
 INBU3915746 2200 BAGS  
 SN:J1245636 WASHED EL SALVADOR GREEN COFFEE  
 QTY:275 HIGH GROWN 2006/2007 CROP  
 DOOR / PIER P/E # 0768/12768  
 FCL/FCL C/O # 9/10/0718-0  
 TW:2,300.000KGS CONTRACT US-CHIW-00000000000000000000  
 GW:19,173.000KGS CTTO. E-15755  
 FSCU3755015  
 SN:J1245637  
 QTY:275  
 DOOR / PIER  
 FCL/FCL  
 TW:2,300.000KGS  
 GW:19,173.000KGS  
 IPXU3147192  
 SN:J1245638  
 QTY:275  
 DOOR / PIER  
 FCL/FCL  
 Service Coverage DOOR in SANTA ANA, EL SALVADOR PIER in ANTWERP (AMBERES), BELGIUM

**Copy Not Negotiable**  
 CLAUSES AND SPECIFIC CONDITIONS IN ORIGINAL BILL OF LADING

Continued on Appendix to BL Nr 6HA001847

|  |                  |      |         |         |            |
|--|------------------|------|---------|---------|------------|
| SHIPPER'S DECLARED VALUE \$ (IF NOT DECLARED, LIABILITY LIMIT APPLIES AS PER CLAUSE 15.):  |                  |      |         |         |            |
| <b>TOTAL No. OF CONTAINERS OR PACKAGES RECEIVED BY THE CARRIER:</b>  |                  |      |         |         |            |
| The number of containers or packages shown in the "TOTAL No. OF CONTAINERS OR PACKAGES RECEIVED BY THE CARRIER" box which are said by the shipper to hold or immediately be about to be loaded in the "PARTICULARS FURNISHED BY SHIPPER - CARRIER NOT RESPONSIBLE" box, have been received by COMPANIA SUD AMERICANA DE VAPORES S.A. from the shipper in apparent good order and condition except as otherwise indicated herein - weight, moisture, marks, numbers, quality, quantity, condition, contents and value unknown - for Carriage from the Place of Receipt or the Port of Loading (whichever is applicable) to the Port of Discharge or the Place of Delivery (whichever is applicable) on the terms and conditions hereof INCLUDING THE TERMS AND CONDITIONS ON THE REVERSE SIDE HEREOF. THE CARRIER'S APPLICABLE TARIFF AND THE TERMS AND CONDITIONS OF THE PRECARRIER AND ONCARRIER ARE APPLICABLE IN ACCORDANCE WITH THE TERMS AND CONDITIONS ON THE REVERSE SIDE HEREOF.<br><br>IN WITNESS WHEREOF, THREE (3) ORIGINAL BILLS OF LADING (subject to clause 15) HAVE BEEN SIGNED ALL OF THE SAME TENOR AND DATE, ONE OF WHICH BEING ACCOMPLISHED THE OTHERS TO STAND VOID. | FREIGHT CHARGES  | RATE | PREPAID | COLLECT | PAYABLE AT |
|  | AS PER AGREEMENT |      |         |         |            |
| COMPANIA SUD AMERICANA DE VAPORES S.A.<br>as Carrier   |                  |      |         |         |            |
| Place issued: San Salvador, El Salvador<br>Date issued: 4/5/2007   |                  |      |         |         |            |

(\*) Applicable only when used as the Model Bill of Lading (see clause 10 on the reverse hereof)

SHEET : 1 of 2

B

Appendix to Bill of Lading Number: 6HA001647 Issued at San Salvador, El Salvador Date 4/5/2007

TW:2,300.000KGS  
GW:19,173.000KGS  
FSCU3411832  
SN:J1245639  
QTY:275  
DOOR / PIER

FCL/FCL  
TW:2,300.000KGS  
GW:19,173.000KGS  
AMFUB113494  
SN:J1245640  
QTY:275  
DOOR / PIER

FCL/FCL  
TW:2,300.000KGS  
GW:19,173.000KGS  
AMFUB3057580  
SN:J1245641  
QTY:275  
DOOR / PIER

FCL/FCL  
TW:2,300.000KGS  
GW:19,173.000KGS  
IPXU3053112  
SN:J1245642  
QTY:275  
DOOR / PIER

FCL/FCL  
TW:2,300.000KGS  
GW:19,173.000KGS  
IPXU3806060  
SN:J1245643  
QTY:275  
DOOR / PIER

FCL/FCL  
TW:2,300.000KGS  
GW:19,173.000KGS

**Copy Not Negotiable**  
"CLAUSES AND SPECIFIC CONDITIONS IN ORIGINAL BILL OF LADING"

\*\*\*\*\* END OF BILL OF LADING \*\*\*\*\*

COMPANIA SUD AMERICANA DE VAPORES S.A.  
as Carrier

SHEET : 2 of 2

B /

**DECLARATION OF SERVICE BY U.S. MAIL**

I hereby declare under the penalty of perjury as prescribed in 28 U.S.C. Sec. 1746, that a true and correct copy of the

**NOTICE TO ADMIT**

was served on August 24, 2007, via U. S. First Class Mail by depositing same at an official depository of the U.S. Postal Service in a postage prepaid sealed envelope addressed to:

MAHONEY & KEANE, ESQS.  
Attorneys for Defendants  
111 Broadway, 10<sup>th</sup> Floor  
New York, New York 10006  
(212) 385-1422  
File No.: 43/3451/B/07/8

Executed at: Hicksville, New York  
August 24, 2007

  
\_\_\_\_\_  
JO ANN BROWN